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## Third Committee

**Summary record of the 18th meeting**
Held at Headquarters, New York, on Monday, 19 October 2009, at 10 a.m.

*Chairperson*: Mr. Rastam (Vice-Chairperson) ..... (Malaysia)

## Contents

Agenda item 66: Indigenous issues

(a) Indigenous issues

(b) Second International Decade of the World's Indigenous People

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*In the absence of Mr. Penke (Latvia), Mr. Rastam (Malaysia), Vice-Chairperson, took the Chair.*

*The meeting was called to order at 10.05 a.m.*

**Agenda item 66: Indigenous issues**

**(a) Indigenous issues**

**(b) Second International Decade of the World's Indigenous People** (A/64/338)

1. **Mr. Sha** Zukang (Under-Secretary-General for Economic and Social Affairs and Coordinator of the Second International Decade of the World's Indigenous People) said he was concerned that indigenous peoples continued to suffer disproportionately as compared to non-indigenous peoples. They made up 5 per cent of the world population, but 15 per cent of the world's poor. Their life expectancy was up to 20 years less than the general average, and they experienced high maternal and infant mortality rates and a tuberculosis rate up to 45 times that of non-indigenous peoples. In addition, they were plagued by illiteracy, high unemployment rates and low wages as a result of poverty, marginalization and discrimination. Not only were they suffering from the impacts of the food and economic crises; they were also particularly vulnerable to the effects of global warming. He therefore welcomed the joint initiatives adopted by the United Nations system in response to the crisis, and said that the voices of indigenous peoples, who had first-hand experience of the effects of climate change, must be heard throughout the upcoming United Nations Climate Change Conference to be held in Copenhagen. Their belief systems and cultures were threatened and 95 per cent of their languages were at risk of extinction by the end of the century.

2. Current efforts were insufficient to improve the development situation of indigenous peoples, particularly the achievement of the Millennium Development Goals. The full participation of indigenous peoples in matters affecting their lives must be promoted. Indigenous peoples working to defend their rights faced persecution, particularly when protecting their territories and natural resources.

3. He welcomed the General Assembly's adoption, in 2007, of the United Nations Declaration on the Rights of Indigenous Peoples, which provided a clear normative framework. The Department of Economic and Social Affairs was supporting the implementation of the Declaration at the national level, in cooperation with United Nations country teams and inter-agency mechanisms. In 2010, a midterm assessment of the Second Decade, which had been requested by the General Assembly, would guide future actions of the United Nations and Member States and identify remaining gaps in efforts to improve the situation of indigenous people. He requested countries to strengthen their actions on the ground and thanked those that had contributed to the United Nations Trust Fund on Indigenous Issues. He recalled that the main international framework on indigenous issues had been established and urged all parties to act on the basis of that instrument.

4. **Mr. Anaya** (Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people) introduced his first report to the General Assembly on the situation of human rights and fundamental freedoms of indigenous people (A/64/338), in which he described the scope of his mandate and the range of activities he had undertaken in coordination with other United Nations mechanisms and relevant regional institutions. Part of the report was devoted to the United Nations Declaration on the Rights of Indigenous Peoples, adopted by the General Assembly in 2007. In accordance with his mandate, he worked in cooperation with the Permanent Forum on Indigenous Issues and the expert mechanism on the rights of indigenous peoples in order to maximize his effectiveness and avoid duplicating roles. In February he had participated in a seminar in Madrid on strengthening coordination with the two mechanisms. His activities fell within four areas of work: promoting good practices, thematic studies, country reports and alleged human rights violations.

5. In terms of promoting good practices, he had worked to advance judicial, administrative and programmatic reforms at the national level to implement the standards of the United Nations Declaration on the Rights of Indigenous Peoples and other relevant international instruments in response to specific requests from Governments for advisory and technical assistance. That was a complex task, as it demanded the full participation of Governments.

6. Regarding the conduct of studies on issues of interest to indigenous peoples, the Special Rapporteur had emphasized States' duty to consult indigenous peoples on legislative or administrative decisions that affected them, such as the extraction of natural

resources from their territories, based on the principles of democracy and the right to self-determination, while at the same time recognizing indigenous peoples' particular concerns. Non-compliance with that duty to consult was one of the major problems he confronted, and one which required concerted efforts to reverse.

7. His third area of activity concerned investigations of and reports on the overall human rights situation of indigenous peoples in particular countries. He conducted missions to the selected countries and met with the individuals and groups concerned. He had completed reports on Brazil, Nepal and Chile, and had made visits to Australia, Botswana, Colombia and the Russian Federation.

8. The Special Rapporteur's fourth area of activity concerned responding to cases of alleged human rights violations. Those included violations of the right to give free, prior and informed consent, denial of indigenous peoples' rights to land and resources and threats of violence against indigenous groups. He communicated the information he received to the Governments concerned and requested them to respond. He thanked the many Governments that had responded to his inquiries and urged those that had not yet done so to provide the information requested.

9. He noted that the adoption by the General Assembly of the Declaration on the Rights of Indigenous Peoples was the culmination of 30 years of standard-setting activities at the international and regional levels which partnered States and indigenous peoples. The Declaration was not meant to give indigenous peoples special or new human rights, but rather referenced existing legal obligations under treaties and other human rights instruments, and aimed to overcome the marginalization and discrimination indigenous peoples were systematically subjected to as a result of colonization, conquest and dispossession. It called on countries and the international community to take affirmative measures to implement the human rights indigenous peoples had been denied.

10. The Declaration provided a framework for cooperation and mutual understanding between indigenous peoples and States, based on the principles of equality, self-determination and respect for diversity, which were basic tenets of the modern human rights system. Implementing those rights would not only bring historic justice to those too-often-ignored groups, but would also develop democratic and multicultural societies that would profit from the knowledge, culture and spirituality that indigenous peoples had preserved for the benefit of humanity.

11. **Ms. Schlyter** (Sweden), speaking on behalf of the European Union, asked if the Special Rapporteur, who offered technical and advisory assistance to Governments, societies and stakeholders to implement initiatives and legal and programmatic reforms on issues concerning indigenous peoples, had also had the opportunity to offer his assistance to businesses, and if so, if he had found examples of good practices in that area.

12. Secondly, regarding the conduct of studies on issues of interest to indigenous peoples, she wondered whether it would be useful to produce a report focusing specifically on the particular problems indigenous women faced that had come to the attention of the Special Rapporteur.

13. Thirdly, with respect to the three United Nations mechanisms (the Permanent Forum, the expert mechanism and the Special Rapporteur), she welcomed the effective cooperation that had been established with the expert mechanism and asked for complementary information on current and future cooperation with the Permanent Forum.

14. **Mr. Mamdouhi** (Islamic Republic of Iran) asked the Special Rapporteur to clarify what initiatives he had taken or planned to initiate to promote good practices benefiting indigenous peoples. Regarding the thematic studies on questions of interest to indigenous peoples, he wished to know how the Special Rapporteur's role could complement that of the expert mechanism, what major problems had been encountered and what type of collaboration he had received from other special rapporteurs. He would also like to know if the exercise of the Special Rapporteur's mandate was constrained by the fact that it was essentially funded by the major donors, and whether a lack of resources hindered the Special Rapporteur's activities. Finally, given that the Special Rapporteur was supervised by the Council and its special mechanisms, while the Permanent Forum was overseen by the Economic and Social Council, he would like to know what challenges that situation presented and how the Special Rapporteur dealt with reports being issued from two sources.

15. **Ms. Méndez Romero** (Bolivarian Republic of Venezuela) recalled that, in the report he had submitted

to the Human Rights Council in September 2009, the Special Rapporteur had highlighted the extremely worrisome human rights situation of indigenous peoples in Colombia, in particular the fact that armed conflicts had resulted in killings, forced displacement and threats of cultural and physical extermination of the indigenous population.

16. Venezuela noted that Colombian paramilitary groups, which were responsible for most of those violations, crossed the border and committed abuses against Venezuelan citizens. In addition, the Colombian Government had recently authorized the United States of America to establish seven military bases on its territory.

17. She wondered whether that foreign military presence and the immunity it would enjoy would escalate the conflict, intensify the violation of indigenous peoples' rights and render indigenous peoples in neighbouring countries more vulnerable. She would like to know what the Special Rapporteur would recommend with regard to that situation and how the United Nations planned to respond to those violations, which had serious repercussions at the international level.

18. **Mr. Lung** (Malaysia) noted that the issue of indigenous peoples' rights was a relatively new one and that the various stakeholders were still shaping a coherent and effective framework in which to discuss it. He asked the Special Rapporteur to provide more details on the measures he had taken to coordinate his mandate with those of the Permanent Forum and the expert mechanism. He also asked if the United Nations Declaration on the Rights of Indigenous Peoples could be considered a legal foundation equal to other instruments.

19. **Mr. Mamani Machaca** (Plurinational State of Bolivia) highlighted the fact that the Declaration, which had been adopted by Bolivia in 2007, had been incorporated into his country's new Constitution. He asked the Special Rapporteur for recommendations on how to improve the lives of indigenous peoples in his country and whether he considered the United Nations mechanisms adequate for dealing with those issues.

20. **Ms. Ellis** (Australia) said that her country's accession to the Declaration marked an important moment in redefining relations between indigenous and non-indigenous Australians and noted the important role of the Australian Human Rights Commission in that process. She asked the Special Rapporteur how his recommendation to provide technical training on the Declaration to public administration officials could be implemented in the workplace.

21. Recalling the Special Rapporteur's recommendation that autonomous institutions should be established by indigenous peoples, she asked him to give examples of measures that had addressed the particular needs of women, children and disabled persons. She also asked for examples of best practices emerging from the regional consultation on violence against indigenous women in the Asia and Pacific region, which he had attended.

22. **Mr. Michelsen** (Norway), speaking on behalf of the Nordic countries, asked the Special Rapporteur how the participation of indigenous peoples in discussions within the United Nations system of issues relevant to them could be improved.

23. **Ms. Boutin** (Canada) said that her country welcomed the coordination between the various United Nations mechanisms to avoid redundancy in reporting and was pleased at the initiative to better synchronize communications regarding indigenous issues. In that context, she asked the Special Rapporteur if he planned other initiatives to improve coordination between the Permanent Forum and the expert mechanism, particularly to determine the extent of resources available. She also wondered whether he foresaw any coordination of initiatives with the special rapporteurs of regional organizations, such as the Organization of American States.

24. **Ms. Taracena Secaira** (Guatemala), noting that crises, particularly the food crisis, affected indigenous peoples more acutely, asked the Special Rapporteur how public authorities, civil society and the private media could be sensitized and made aware of indigenous peoples' contributions to environmental protection and food security.

25. **Mr. Tagle** (Chile) said that his country was committed to respecting indigenous peoples' rights and wished to engage in dialogue with communities with which it had outstanding disputes. He reiterated his invitation to all United Nations special rapporteurs to visit his country.

26. **Mr. Lukiyantsev** (Russian Federation) said that the Special Rapporteur, during his recent visit to Russia (5-16 October 2009), had met with representatives of the

executive and legislative branches and non-governmental organizations and had visited several autonomous regions. He hoped that the Special Rapporteur would recommend concrete measures to improve the lives of indigenous peoples in the Russian Federation.

27. **Mr. Suárez** (Colombia) said that Colombia had suffered for years from a situation of violence generated by illegal groups funded by drug cartels, but that thanks to the democratic security policy implemented since 2002, the Colombian Government had drastically reduced the incidence of crime, in particular violence against indigenous populations. In that context, he emphasized that the figures presented by another delegation, which were no doubt cumulative, were outdated. His Government had cooperated with United Nations organizations to respond to the recent acts of violence committed in the country and was developing plans to protect the 34 most vulnerable indigenous communities, applying the recommendations of the Constitutional Court. He called on all States that had not yet done so to join efforts to combat drug trafficking and terrorism, which were transnational issues.

28. **Mr. Anaya** (Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people) responded first to the questions on best practices. He told the representative of Sweden that he had been in direct contact with corporations conducting activities with direct effects on indigenous peoples, such as a corporation in Panama that was building a dam and representatives of extractive industries in Spain. In response to the Iranian delegation, he said that he was organizing consultations with parliamentarians and representatives of indigenous peoples to encourage them to implement legislation and constitutional reforms that would ensure the protection of indigenous peoples' rights.

29. Regarding his coordination with United Nations mechanisms, his consultations with representatives of the extractive industries were the direct result of a recommendation made by the Permanent Forum in its 2008 report. He also provided information on the situation of indigenous peoples to the expert mechanism. In response to the representative of Canada, he confirmed that he cooperated with regional groups, including the Inter-American Commission on Human Rights, and that discussions were under way to formalize that cooperation and make it more efficient. He also noted that a lack of financial resources was a hindrance, considering the broad scope and complexity of his mandate.

30. In terms of his thematic work, he replied to the representative of Sweden that studies devoted to women and children were necessary and justified, and that he hoped to integrate those issues across all areas of his work. In response to the question from the representative of Australia, he said that he had identified best practices within Australian organizations implementing programmes in which women played a leading role.

31. Finally, addressing the particular situation in certain countries, he stated that he remained concerned by the fate of indigenous peoples in Colombia and the Bolivarian Republic of Venezuela. He was pleased with the productive dialogue he had conducted with the Colombian Government during his mission to the country and said that he remained in contact with the Colombian authorities in order to clarify specific points in the report he was preparing.

32. **Ms. Schlyter** (Sweden), speaking on behalf of the European Union, said that she welcomed the advancements achieved by the international community as a result of the lengthy negotiations between States and representatives of indigenous peoples: the creation of the Permanent Forum on Indigenous Issues, the adoption of the United Nations Declaration on the Rights of Indigenous Peoples, the establishment of the expert mechanism on the rights of indigenous peoples and the renewal of the mandate of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people.

33. However, many indigenous peoples lived under difficult conditions and were marginalized and discriminated against. Climate change threatened their survival. In view of the daunting task of improving indigenous peoples' lives, the Declaration was all the more important as a tool for dialogue and could serve as a foundation for shaping national policies. She encouraged States to spread awareness of the Declaration by translating it into the languages of indigenous peoples in their countries, thereby facilitating its implementation.

34. **Mr. Lukiyantsev** (Russian Federation) said that the Russian Federation had over 160 peoples, each with a distinct cultural and spiritual heritage. The particular status of indigenous peoples was enshrined in Russian law, which constituted a solid legal

foundation based on international standards. That framework was continuously improved upon, primarily on the basis of the United Nations Declaration on the Rights of Indigenous Peoples and the Second International Decade of the World's Indigenous People, which had been proclaimed at the initiative of Russia, among other States.

35. Since 2008, the Russian Federation had been implementing priority measures to stimulate traditional economic activities, preserve national culture and establish modern health and education systems in the territories of indigenous minorities. In addition, agencies within the executive branch had defined, in cooperation with the Russian Association of Indigenous People of the North, the principles of sustainable development of indigenous peoples of the North, Siberia and the Far East, which would be implemented in three stages from 2009 to 2025.

36. The Russian Government had further enriched its legislation in May 2009 by promulgating a document listing the locations and traditional economic activities of peoples of the North. Another important document would address the establishment of a system to compensate indigenous peoples for losses resulting from damage to their land and natural resources.

37. Based on its experience, the Russian Federation was working with international partners to define quality-of-life indicators for indigenous peoples and collaborating with non-governmental organizations on international activities in support of the implementation of the Convention on Biological Diversity and the work of the Arctic Council. In December 2008, Russia had organized, under the aegis of the Office of the United Nations High Commissioner for Human Rights, a seminar to promote cooperation between businesses and indigenous peoples through the exchange of experiences.

38. Recalling the Special Rapporteur's recent visit to Russia, he expressed his country's hope to follow up on that constructive dialogue to benefit indigenous peoples.

39. **Ms. Blum** (Colombia), noting that Colombia had 87 indigenous groups, representing 3.4 per cent of its population, and 65 official indigenous languages, said that her country was progressively improving its preservation of indigenous peoples' rights and culture.

40. Currently, Colombia was expanding the land areas recognized as indigenous reservations, which already made up 29 per cent of its territory. It was also advancing its recognition of traditional authorities and indigenous jurisdictions and organizing prior consultations with indigenous groups on projects and issues that affected them, in line with the Indigenous and Tribal Peoples Convention of the International Labour Organization (ILO). In addition, the country had revived two essential forums for dialogue: the Permanent Committee for Consultation with Indigenous Peoples and the National Committee on Indigenous Peoples' Human Rights.

41. Coverage of indigenous peoples under health, education and food security programmes had been expanded and several indigenous groups' initiatives had been funded through programmes to support small and medium-sized enterprises.

42. In 2009, the terrorist group Revolutionary Armed Forces of Colombia (FARC) had committed massacres against the Awá people. Those actions, which had been strongly condemned by the Colombian authorities and the international community, confirmed the importance of the Colombian Government's security policy and of the demobilization of illegal armed groups for ensuring the safety of all Colombians, including indigenous peoples.

43. The Government was currently developing, in collaboration with indigenous groups, a programme on rights guarantees for displaced indigenous people, as well as plans to protect 34 indigenous peoples from violence and displacement.

44. In April 2009, the Colombian Government had expressed its unilateral commitment to the United Nations Declaration on the Rights of Indigenous Peoples, and in July, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people had visited Colombia at the invitation of the authorities, who looked forward to receiving his observations and recommendations.

45. **Ms. Juul** (Norway), speaking on behalf of the Nordic countries, recalled that those countries had invited all of the special rapporteurs to visit them, and encouraged other Member States to extend a similar invitation. The three United Nations entities responsible for indigenous issues — the Permanent Forum, the Special Rapporteur and the expert mechanism — had been created at different times and

had complementary mandates. The Nordic countries supported the mainstreaming of indigenous issues in all aspects of their work with the United Nations system and attached particular importance to the relevant thematic studies, including the expert mechanism's study on indigenous peoples' right to education. The discussions held by the United Nations General Assembly, the Human Rights Council and the Permanent Forum were also vital, and indigenous people must be able to participate in them. The Nordic countries had sought to increase awareness of the United Nations Declaration on the Rights of Indigenous Peoples, which had been adopted at the sixty-first session of the General Assembly, by having it translated into the languages of their indigenous peoples.

46. **Mr. Tagle** (Chile), recalling that his Government had been acting to protect the rights of indigenous groups since the restoration of democracy in the country, said that Chile had recently ratified the ILO Indigenous and Tribal Peoples Convention, promulgated a law recognizing the indigenous population's right to coastal areas and reformed the Constitution to create special territories, including Easter Island.

47. The Government had also continued its policy of land restitution and provision of development assistance to indigenous communities and had expanded its scholarship programme for indigenous students.

48. In regard to health, the Government had improved indigenous peoples' access to the public health system, integrated indigenous health practices and appointed cultural facilitators in areas with large indigenous populations. In terms of education, childcare centres with multicultural programmes had been created, while in the area of housing, programmes had been launched to build housing for the Mapuche people in various regions.

49. The Government planned to improve the institutional framework for indigenous peoples by establishing a ministry of indigenous affairs and an indigenous peoples' council with elected members. The regulations governing consultations with and the participation of indigenous peoples in matters affecting them, pursuant to the ILO Convention, had already been published; the regulations followed the recommendations made by the Special Rapporteur after his visit. The Convention and the Social Pact for Multiculturalism presented by President Bachelet in 2008 laid the groundwork for a new political, economic and cultural dialogue between the Chilean State and indigenous peoples. Indigenous peoples' concerns were no longer an isolated issue, but a cross-cutting matter to be addressed by all ministries and administrative authorities.

50. While the Government of Chile had clearly launched numerous initiatives to benefit indigenous peoples, it must continue its efforts to gain their trust in order to achieve a society united in its diversity.

51. **Ms. Acosta Hernández** (Cuba) said that the adoption of the United Nations Declaration on the Rights of Indigenous Peoples represented a historic victory in indigenous peoples' peaceful struggle for recognition of their ancestral rights. She recalled the important advancements made during the first International Decade of the World's Indigenous People, including the contributions made by the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and the establishment of the Permanent Forum on Indigenous Issues.

52. The Declaration, which was the United Nations system's most important contribution to eliminating the discrimination indigenous peoples had suffered for centuries, was not the end of a process, but rather the beginning of a new collaboration between Member States to effectively recognize the equality and right to self-determination of over 370 million indigenous people, as well as their right to maintain their own institutions, cultures and traditions. The Declaration and the ILO Indigenous and Tribal Peoples Convention would serve as the international frame of reference for setting national goals that would contribute to the actions foreseen for the Second International Decade of the World's Indigenous People.

53. Cuba reaffirmed that the Human Rights Council and its subsidiary organs should devote special attention to the full realization of all the human rights of indigenous peoples, in line with the Declaration. Given the human rights dimensions of indigenous issues, the Office of the United Nations High Commissioner for Human Rights also had an important role to play in that regard. The United Nations should not confine itself to defining indigenous peoples' rights on the basis of development parameters which the

majority of them rejected and which were not aligned with their unique qualities or essential needs.

54. **Mr. de León Huerta** (Mexico) said that Mexico attached great importance to the social development of indigenous peoples, who represented 12.7 per cent of the population, as demonstrated by the national development plan for 2007-2012, which included projects aimed at involving indigenous groups in the country's economic, social and cultural development while respecting their customs. Mexico had recently achieved significant progress in terms of protecting indigenous peoples' rights in the legislative, institutional and policy domains. Article 2 of the Constitution had been amended so as to affirm the multicultural character of the nation, include a legal definition of indigenous peoples in legislation and proclaim the recognition and protection of indigenous peoples' cultures and rights. That had led 22 Mexican states to incorporate those rights into their own constitutions.

55. Mexico had been a fierce defender of the indigenous cause at both the regional and international levels. It had participated in the negotiations that had led to the adoption of the United Nations Declaration on the Rights of Indigenous Peoples, supported the creation of the Permanent Forum on Indigenous Issues and taken part in its work, encouraged the creation of the mandate of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, and made voluntary contributions to support his activities. The delegation congratulated the Special Rapporteur on the way he had promoted the implementation of the Declaration, the technical assistance he had provided to different States and the way in which he had coordinated his actions with those of other United Nations bodies.

56. Mexico, which was committed to the principle of gender equality and to stopping violence against women in general, and indigenous women in particular, had enacted a law on gender equality in 2006 and a law on the protection of women against violence in 2008. In addition, it had taken a number of measures on behalf of indigenous women and girls, specifically with a view to improving their educational opportunities, encouraging them to take part in the development of programmes, increasing awareness of their sexual and reproductive rights and promoting their empowerment.

57. He emphasized the importance of encouraging the participation of indigenous women in decision-making at the national, regional and international levels, including the work of the Permanent Forum on Indigenous Issues, in order that they might express their views on all matters concerning them. The Millennium Development Goals were taken into account in all plans involving indigenous peoples that were approved at the federal level. In the report it had submitted in 2006, Mexico had defined indicators that would be updated following the national census slated for 2010, which were expected to improve policies pertaining to indigenous peoples and ensure that development commitments were fulfilled. It was important to assess the effects of development policies on vulnerable sectors of the population, especially indigenous peoples, in order to address the problems encountered in that area. In conclusion, Mexico, which was aware of the vital role played by rural indigenous women in their communities, welcomed the proclamation of 15 October as the International Day of Rural Women.

58. **Mr. Godard** (United States of America) said that he supported the analysis of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples concerning overlapping mandates among the various mechanisms of the United Nations system responsible for indigenous issues, and emphasized that a clear definition of mandates was essential. He praised the Special Rapporteur's efforts in that regard, as well as his efforts to strengthen cooperation and coordination among the parties concerned through dialogue. The United States welcomed the Special Rapporteur's efforts to involve as many indigenous groups as possible. Moreover, the United States delegation looked forward to learning more about the models developed by the Special Rapporteur to help the stakeholders achieve positive outcomes.

59. He supported the Special Rapporteur's actions to foster progress by calling attention to best practices and offering technical assistance and advice, and emphasized that the approach the Special Rapporteur had taken concerning consultation mechanisms played an important role in the effective implementation of Government programmes intended to improve the lives of everyone, including indigenous peoples. He agreed with the Special Rapporteur that that approach did not aim to grant an automatic veto right to indigenous

peoples in decisions concerning them, but rather to make the achievement of consent the general objective of consultations with indigenous peoples. The United States Government had asked tribal authorities for their opinion on ways to improve relations among the different administrations and consultations on decisions taken at the federal level. It was essential to establish trust among all the parties through a suitable consultation mechanism.

60. **Mr. Perez** (Brazil) said that Brazil was intent on protecting the human rights and fundamental freedoms of indigenous peoples, in accordance with its Constitution of 1988, which emphasized respect for the cultural identity of indigenous peoples and their property rights. Brazil, which had an indigenous population of 735,000, divided among 220 ethnic groups, had endeavoured to improve the access of those groups to health care and education, and to guarantee them access to land. In addition, other initiatives had been taken in order to preserve their languages and cultural heritage.

61. Brazil had developed a system whereby 611 indigenous areas were in the process of being registered and the boundaries of 488 others, representing an area of 106 million hectares (12 per cent of the national territory), had already been defined in cooperation with indigenous peoples. The implementation of policies relating to indigenous peoples had been based on consultation with those peoples, as provided for by national law, which was itself inspired by the ILO Convention concerning Indigenous and Tribal Peoples in Independent Countries. In addition, the creation in 2006 of the National Committee on Indigenous Policies had enabled dialogue with indigenous peoples to be strengthened, and had allowed them to participate in developing the policies that concerned them. Moreover, Brazil collaborated actively with the international community in that area and intended to continue working towards the implementation of the United Nations Declaration on the Rights of Indigenous Peoples.

62. The Special Rapporteur's report contained useful elements on the implementation of the Declaration and on the coordination between the Permanent Forum, the expert mechanism of the Human Rights Council and the Special Rapporteur. However, it was necessary to strengthen the complementary nature of those mechanisms and to avoid any overlapping of activities.

63. Country reports made it possible to assess the situation of the indigenous peoples in a given country, and he welcomed the report that had followed the Special Rapporteur's recent visit to Brazil.

64. He agreed that the thematic studies seemed to overlap with the activities of the expert mechanism and that the Special Rapporteur should play a secondary role in their preparation.

65. Responding to complaints of alleged human rights violations was an area of great importance that should receive adequate financing.

66. The promotion of best practices was perhaps the task where an innovative approach was most needed. It would be useful to compile the initiatives that had proved to be the most effective, in a systematic and structured way.

67. The Permanent Forum, which had been conceived to allow indigenous peoples to express their concerns, had played a vital role in identifying problems and could also propose solutions through the dissemination of best practices.

68. **Monsignor Migliore** (Observer for the Holy See) said that the Holy See welcomed the adoption of the United Nations Declaration on the Rights of Indigenous Peoples, which had helped to draw the attention of the international community to the world's 370 million indigenous people, and expressed the hope that the proclamation of the Second International Decade of the World's Indigenous People would help foster greater interest in those communities. The initiatives taken within the framework of the Second Decade must be guided by the principle of respect for the identity and cultures of indigenous peoples and the acknowledgement of their ability to take decisions concerning development programmes, which would help improve cooperation between those peoples and Governments.

69. Given the ongoing violations of indigenous peoples' rights and the problems that had been experienced in the implementation of the Declaration, he reaffirmed that recognition of the dignity of each person and the promotion of human rights played an essential role in promoting indigenous peoples' development and that efforts should be redoubled to help those peoples shape their life according to their own traditions.

70. In the context of the current crises, particular attention needed to be paid to indigenous peoples' problems by offering them real development models that would promote responsible use of the environment without harming their rights, and supporting the initiatives they had been taking to defend their rights against destabilizing factors, by promoting intercultural dialogue. During the Second International Decade of the World's Indigenous People, long-term action must be taken to combat food insecurity by eliminating its structural causes and stimulating agricultural development. Indigenous peoples needed to be encouraged to agree to new investment in that area.

71. The 2009 observance of the International Day of the World's Indigenous People had focused on HIV/AIDS-related issues. The Second Decade would also need to draw attention to the vulnerability of indigenous peoples, particularly women and children, to the HIV/AIDS epidemic, while emphasizing the importance of education in preventing the transmission of the virus.

72. It was also necessary to ensure that the right to food and access to water were recognized as universal rights that contributed to the enjoyment of other rights, especially the fundamental right to life.

73. In conclusion, the cultures of indigenous peoples were imbued with respect and celebrated life; preserving those cultures was the right thing to do in order to prevent the loss of those precious values.

74. **Mr. Valero** (Bolivarian Republic of Venezuela) emphasized that indigenous peoples had long been victims of discrimination, extermination and rights violations. Every year Venezuela celebrated Indigenous Peoples' Resistance Day in tribute to those who had fought the barbarism of the European colonizers and to those who struggled against the new oppressors who continued to deny their collective and ancestral rights. Venezuela did not celebrate the inaptly named "Discovery" because indigenous peoples had been present before the arrival of the conquistadors and had created rich cultures.

75. The National Constitution established the rights and fundamental freedoms of indigenous peoples and laid the foundations of a democratic, multi-ethnic, multilingual and multicultural society. That document, which had been translated into the various indigenous languages, devoted an entire chapter to the rights of indigenous peoples and recognized their existence, their social, political and economic organization and their cultures, customs, traditional knowledge, languages and religions. Additionally, it recognized the habitats and ancestral rights of indigenous peoples, as well as their right to collective ownership of their lands, by stipulating that those lands must be demarcated with their direct participation. Moreover, indigenous people were entitled to hold elective office at every level.

76. The National Assembly had developed a number of laws with a view to guaranteeing the constitutional rights of indigenous peoples. Moreover, the new law on education instituted bilingual schooling and intercultural education. In addition, Government social programmes such as the Guaicaipuro Programme had made it possible to re-establish indigenous peoples' rights in numerous areas, in collaboration with those peoples.

77. In the area of education, literacy training courses had been held in indigenous languages. More than 15,000 indigenous people had undertaken university studies in 2008 and Alma Mater Indigenous Peoples' University had been created for and with the participation of indigenous people. The implementation of a bilingual teacher-training programme had resulted in the creation of a national commission for indigenous linguistics and an advisory council for indigenous and bilingual/intercultural education.

78. The creation of the Indigenous Health Bureau made it possible to focus on indigenous peoples' health through projects such as the Health Plan for the Yanomami people, under which travelling medical teams had provided care to approximately 4,400 members of that group. Those health programmes also made it possible to guarantee the right to health and improve the quality of life of the 40 indigenous groups living in Venezuela.

79. In accordance with its mandate, the national commission in charge of demarcating indigenous lands and habitats had granted collective title to 41,500 hectares of land to the Yukpa communities, which had approximately 5,500 members. The Government was planning to demarcate the remaining areas.

80. Venezuela had proposed that an international instrument should be adopted within the framework of the United Nations Educational, Scientific and Cultural Organization to protect indigenous or endangered

languages and to reaffirm the inalienable rights of the First Peoples.

81. **Mr. Mamani Machaca** (Plurinational State of Bolivia) said that 12 October commemorated the indigenous peoples of Abya Ayala, which designated all of the Americas, and 517 years of colonization marked by the greatest genocide in the history of humanity, the seizure of territories, the looting of natural resources and the pollution of the environment. It was only after five centuries of struggle and more than 20 years of debate and discussion that the General Assembly had ultimately adopted, on 13 September 2007, the United Nations Declaration on the Rights of Indigenous Peoples, recognizing them as communities.

82. On 7 November 2007, Bolivia had adopted the Declaration in the form of Act No. 3760 and had incorporated it into its national legislation and the State's new Constitution developed by the Constituent Assembly. The State's new Constitution, which had been enacted by constitutional referendum on 25 January 2009, stipulated in its article 1 that Bolivia had established itself as a united, plurinational, communitarian, free, independent, sovereign, democratic, intercultural and decentralized social State governed by the rule of law and founded on political, economic, legal, cultural and linguistic pluralism.

83. That constitutional principle was inspired by the idea of "living well", which was governed by the imperative of humanizing development, meaning that cultural diversity, by ensuring social responsibility in the management of public affairs, made development a collective process of decision-making and action by society.

84. In the first stage of the legal process involving the 62 per cent of Bolivia's population that belonged to indigenous groups, seven special constituencies had been established for minority indigenous peoples so that they could join the Plurinational Legislative Assembly. Under the autonomy process, 19 indigenous peoples had requested municipal referendums with a view to changing their status to that of autonomous indigenous communities.

85. Petroleum revenue had increased considerably since the nationalization of the hydrocarbon industry, and 5 per cent of that amount, or $100 million, would be directly paid into a development fund for rural indigenous peoples.

86. In addition, the adoption of a law on the community-based extension of agrarian reform and the distribution and redistribution of land had made it possible, between 2006 and June 2009, to allot 9,190,750 hectares of collectively held community land titles to indigenous peoples. During that period, 191 hectares of land, together with the titles thereto, had also been allotted to more than 250 Aymara and Afro-Bolivian families in the Province of Nor Yungas, the Department of La Paz.

87. The Constitution defined basic services as fundamental rights, thus making access to water part of the fundamental right to life. Programmes had also been launched to provide drinking water, sanitation and irrigation networks for indigenous peoples and intercultural and Afro-Bolivian communities.

88. Intercultural and bilingual education had been improved through grass-roots participation in the development of educational programmes and the national literacy programme, which had made it possible to teach 823,256 people to read and write, including 26,699 Aymara speakers and 13,599 Quechua speakers. That had made Bolivia the third illiteracy-free country in Latin America.

89. The Government of President Evo Morales had allocated more than 30 community radio stations to indigenous peoples and intercultural communities as part of the community-radio promotion policy.

90. Over the last three years, about 15,000 students, some of them from indigenous communities, had received grants to pursue medical studies through cooperation programmes with the Cuban and Venezuelan Governments.

91. Various health programmes had been launched, such as Operation Miracle, under which free eye surgery had been provided to thousands of indigenous people, and Zero Malnutrition, which had provided food aid to mothers and school meals to some 111,000 children between the ages of 6 and 14 in the most underprivileged municipalities of the country.

92. All of those concrete advances had made Bolivia one of the countries where the Programme of Action for the Second International Decade of the World's Indigenous People was being fully implemented.

93. Indigenous peoples suffered greatly from the effects of climate change, including global warming, repeated droughts, flooding, the melting of the polar

ice caps and the spread of once-rare diseases. The developed countries were responsible for the climate, financial, economic, energy and food crises afflicting the world. They should recognize that and pay the "climate debt" they owed to humanity as a whole. For indigenous peoples, Mother Earth was sacred.

94. In conclusion, at the regional level, the Government of President Evo Morales Ayma supported the creation of an advisory council of indigenous peoples of the Andean Community. Indigenous peoples were currently working on the formulation of proposals that would be presented at the International Conference on Climate Change, to be held in Copenhagen during the fifteenth session of the Conference of the Parties.

95. **Mr. Hermida Castillo** (Nicaragua) said that his delegation was proud of its indigenous roots and that the Government of reconciliation and national unity intended to remedy the historical exclusion of indigenous peoples and communities of African descent from public policymaking and implementation by the Nicaraguan State. Eleven leaders of indigenous or African descent had been placed at the head of important ministries and administrative bodies, and between the National Assembly and the Central American Parliament there were 12 deputies working on the consolidation of a true multi-ethnic, multicultural and multilingual State, as provided for by the Constitution.

96. The Atlantic Coast Development Council had been established with the primary objective of organizing Government actions so as to strengthen regional institutions and promote the development of the regions and indigenous communities of the Atlantic coast by coordinating communication between the Office of the President of the Republic and the administrations of the autonomous regions. Additionally, a Secretariat for Indigenous Affairs had been established as part of the Ministry of Foreign Affairs and was headed by a leader of the Mayangna people who was responsible for handling all indigenous issues addressed by international organizations, treaties and agreements.

97. Official websites had been launched, such as that of the Caribbean Coast Development Council, where information was provided in the Miskito, Mayangna and Creole languages in order to promote the use and preservation of indigenous languages.

98. In March 2009, within the framework of the Central American Integration System, the Nicaraguan Government had advocated the adoption of an agenda and an action plan for peoples of indigenous or African descent, with the aim of involving them in decision-making processes on political, economic, environmental and social issues.

99. In addition, a national plan to combat the effects of climate change, adapted to indigenous peoples' view of the world, was being developed. In the area of education, the authorities were ensuring that the educational system in the two autonomous regions on the Caribbean coast with Miskito, Creole, Sumo-Mayangna, Rama, Ulwa and Garifuna populations was providing, in those groups' native languages, the same educational programmes implemented in the rest of Nicaragua.

100. After having overcome illiteracy thanks to the "From Martí to Fidel" literacy programme, Nicaragua had moved to the next step by translating school primers into indigenous languages. On the economic front, the Zero Usury and Zero Hunger programmes helped indigenous peoples.

101. On 14 December 2008, during a ceremony in Awas Tingni to which the Special Rapporteur had been invited, the Government of reconciliation and national unity had given the indigenous community the long-awaited title to their ancestral lands, which covered an area of 74,000 hectares of tropical forest on the Atlantic coast, in accordance with the judgement of the Inter-American Court of Human Rights.

102. By taking steps to implement that judgement, the Nicaraguan Government had set an example for other countries on how to meet their obligations under international law in terms of recognizing and protecting the rights of indigenous peoples to their land and traditional natural resources.

103. **Ms. Boutin** (Canada) said that in 2007, the Prime Minister of Canada had made economic development his first priority for indigenous people in Canada and that that was the most important step for improving the lives of indigenous people and their families. Implementing that vision had become even more important with the economic situation that had captured the attention of the international community for the last year. That situation was having an impact on the most vulnerable, including indigenous peoples. The Government of Canada had taken important steps

to ensure the full participation of Canada's indigenous peoples in the global economy.

104. Economic opportunities for indigenous Canadians were unprecedented, and they were the youngest and fastest-growing segment of the Canadian population, with some 400,000 members of the First Nations, Inuit and Métis projected to enter the Canadian labour market over the next 10 years.

105. An already sizeable indigenous land base was growing significantly with the settlement of comprehensive and specific land claims. First Nations now owned or controlled over 15 million hectares of land, while Inuit owned or controlled over 45 million hectares of land. With over CAN$ 315 billion in major resource developments identified in or near indigenous communities, private investment was increasing in every region of the country and there was significant interest on the part of the non-indigenous private sector in working with indigenous businesses and communities. New generations of indigenous leaders were business-oriented and increasingly recognized economic development as a means to self-reliance and greater autonomy for their communities and people.

106. To help Canada's indigenous peoples take advantage of those new and emerging opportunities, the Government of Canada had adopted a Federal Framework for Aboriginal Economic Development which would strengthen entrepreneurship by improving access to financial capital and procurement opportunities, developing skills and training, modernizing and improving land-management regimes and fostering new partnerships between indigenous and non-indigenous groups. The Framework would also help focus the role of the Federal Government by improving coordination, collaboration and linkages among federal departments and agencies.

107. In addition to the Government's significant ongoing investments in labour-market, community and business economic development, CAN$ 200 million would be provided to support the implementation of the Framework. Also, CAN$ 1.4 billion had been invested in indigenous-specific programmes in areas such as skills and training, health, child and family services, housing, educational facilities and water and wastewater systems. Of that amount, CAN$ 365 million had been invested in First Nations infrastructure to generate short-term employment benefits while creating the conditions for achieving long-term benefits such as increased graduation rates as a result of better educational facilities.

108. Such concrete initiatives would result in on-the-ground improvements in the lives of Canadian indigenous people and communities.

109. She reiterated her Government's firm support for the United Nations mechanisms devoted to indigenous issues: the Permanent Forum on Indigenous Issues, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and the Human Rights Council's expert mechanism on the rights of indigenous peoples.

110. In addition, as part of Canada's partnership arrangement with the Joint United Nations Programme on HIV/AIDS (UNAIDS), it was currently hosting an international policy dialogue on HIV/AIDS and indigenous peoples.

111. **The Chairperson**, speaking as the representative of Malaysia, said that Malaysia had voted in favour of General Assembly resolution 61/295 adopting the United Nations Declaration on the Rights of Indigenous Peoples and that the protection of those rights and the development of indigenous peoples had always been a national priority, as demonstrated by the Government's actions.

112. His delegation agreed with the recommendation of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people that there should be greater coordination between the mandates of the Special Rapporteur, the Permanent Forum on Indigenous Issues and the expert mechanism on the rights of indigenous peoples, to avoid duplication of activities. His delegation further agreed with the Special Rapporteur's conclusion that the Declaration did not bestow new or special rights on indigenous peoples, but rather developed general human rights principles in the context of indigenous peoples.

113. Malaysia welcomed what the Member States and the members of the Permanent Forum were doing to enhance understanding and cooperation between States and indigenous peoples. However, the cause of indigenous rights had not been served by the Permanent Forum's de facto attempt to change the legal understanding of the Declaration and its mandates through the issuance of a general comment at its eighth session, held in May 2009. As a subsidiary organ of the

Economic and Social Council, the Forum could not take on any new function that had not been considered under the intergovernmental process of the Council, and the Forum could not assume for itself a role as a treaty body, given that the Declaration was neither a treaty nor legally binding. While the Forum had had noble intentions in issuing its comment, it had triggered debate on the credibility, roles and responsibilities of the Forum, thereby harming and delaying the acceptance of the Declaration.

114. The status of the indigenous peoples of Malaysia had been recognized well before independence by the Aboriginal Peoples Act of 1954, which had provided for the protection, well-being and advancement of the aboriginal people of West Malaysia. The Federal Constitution adopted after independence in 1957 had legally recognized indigenous peoples and had extended such recognition to the indigenous peoples of the States of Sabah and Sarawak on the island of Borneo following the creation of Malaysia in 1963. The principle of non-discrimination enshrined in the Constitution also applied to indigenous peoples.

115. Malaysia's main challenge was to help indigenous peoples develop while protecting their customs and culture. Its policies and strategies thus focused on meeting that challenge through targeted socio-economic programmes.

116. The federal Government had also taken various measures to protect the rights of indigenous peoples in Malaysia, such as appointing representatives of the Thai and Orang Asli communities as senators, conferring upon the chief of each indigenous group the right to exercise his authority in matters of aboriginal custom and belief, and granting jurisdiction to the indigenous courts of Sabah and Sarawak over matters of indigenous law and custom.

117. Education remained an important means for indigenous groups to meet the challenges of modern society while safeguarding their customs. Modified curricula adapted to indigenous knowledge and pedagogy had been introduced in Orang Asli and in the Penan schools of Sarawak.

118. Indigenous groups that preferred to continue a traditional nomadic lifestyle were allowed to do so. Both nomadic and settled groups enjoyed various public services, such as education, health care and agriculture extension services. The land rights of indigenous peoples, including the right to compensation, were also adequately protected by law. State governments, with the help of the federal Government, had allotted various tracts of land to settled indigenous groups, as well as to semi-nomadic groups for hunting and gathering. Malaysian courts had progressively recognized customary land rights.

119. Every effort was made to protect indigenous peoples from violence and exploitation. An inter-agency committee had been established at the national level to investigate reports of alleged sexual harassment and abuse of indigenous women. The national human rights institution, SUHAKAM, also played an important role in investigating and reporting on such abuse.

120. **Ms. Shinohara** (Japan) said that the protection and promotion of the rights of indigenous people had attracted great interest at the national and international levels since the adoption in September 2007 of the United Nations Declaration on the Rights of Indigenous Peoples. In June 2008, the Diet of Japan had unanimously adopted a resolution recognizing the Ainu as an indigenous people of northern Japan, particularly Hokkaido, with its own language, religion and culture.

121. In view of the relevant articles of the Declaration, Japan intended to continue to promote its policies on the Ainu and to establish comprehensive measures for that purpose. It had also established an advisory panel of eminent persons on policies for the Ainu people.

122. That panel, which had held periodic meetings since August 2008, had sent a report to the Chief Cabinet Secretary consisting of recommendations highlighting, inter alia, the necessity of awareness-raising to achieve greater understanding of the Ainu people and promote their culture and industry. Japan intended to work continuously to implement those recommendations.

123. For the implementation of the Programme of Action for the Second International Decade of the World's Indigenous People, Japan had made voluntary contributions to the Trust Fund on Indigenous Issues to promote cooperation for the purpose of addressing the challenges confronted by indigenous people in the areas of culture, education, health, human rights, environment and social and economic development.

124. Japan would continue not only to support the same domestic initiatives it had been implementing for

several years, but also to make efforts at the international level to address the issues confronted by indigenous people throughout the world.

125. **Mr. Kleib** (Indonesia) said that, as a country with more than 400 ethnic groups, Indonesia cherished its diversity and valued it as a source of strength, inspiration and knowledge, while also considering it a source of unity, even in times of crisis. In keeping with "Pancasila", the five foundational principles of Indonesia, diversity was a source of cultural enrichment and a just and civilized society.

126. Since the end of the last decade, Indonesia had acted on its historic choice to transform itself into a democratic nation, committed to the promotion and protection of human rights. It was continuing to decentralize its political system so that local governments and communities could participate in governance. That new strategy had yielded tangible results by empowering regions and all ethnic groups to address their needs and socio-economic challenges.

127. Indonesia was also continuing to strengthen its human rights mechanism, including through cooperation with its independent Human Rights Commission and civil society organizations, as reflected in the Special Rapporteur's report as one of the examples of good practices.

128. Indonesia was heartened that the positive and concrete outcomes of its democratization and decentralization policies had been acknowledged by many, including its development partners, civil society organizations and the international media.

129. It intended to pursue its efforts to promote and protect the livelihoods, cultural heritage and traditional way of life of all ethnic groups within its territory, as they constituted its identity as a nation. It would continue to contribute to the work of the United Nations on indigenous issues, including within the framework of the Permanent Forum. It was confident that, through partnership with Member States, the Forum would continue to address the real needs of indigenous peoples and to advance indigenous issues internationally, while continuing to uphold its solemn responsibility in safeguarding the trust of Member States.

*The meeting rose at 1 p.m.*